

EXHIBIT A

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION

STATE OF TEXAS, ET AL)
)
) CIVIL ACTION NO.
VS.) B-14-254
)
UNITED STATES OF AMERICA, ET AL)
)

PRELIMINARY INJUNCTION HEARING
BEFORE THE HONORABLE ANDREW S. HANEN
JANUARY 15, 2015

APPEARANCES:

For the Plaintiffs: MR. ANDREW STEPHEN OLDHAM
MR. ADAM NICHOLAS BITTER
MS. ANGELA V. COLMENERO
MR. ARTHUR D'ANDREA
MR. JONATHAN F. MITCHELL
Texas Attorney General's Office
P.O. Box 12548
Austin, Texas 78711

For the Defendants: MS. KATHLEEN R. HARTNETT
MS. KYLE R. FRENEY
US Department of Justice
Civil Division
950 Pennsylvania Avenue
Washington, D.C. 20530

For the Defendants: MR. DANIEL DAVID HU
U.S. Attorneys Office
Houston, TX

Transcribed by: BARBARA BARNARD
Official Court Reporter
600 E. Harrison, Box 301
Brownsville, Texas 78520
(956) 548-2591

1 we think -- you know, we can both -- we can talk about them
2 together only so that the Court understands what the relevant
3 facts are and the relevant legal principles are, even though as
4 the Court has acknowledged -- has pointed out and we agree, we
5 are not challenging the DACA program.

6 THE COURT: All right.

7 MR. OLDHAM: Thank you, Your Honor.

8 THE COURT: Ms. Hartnett?

9 MS. HARTNETT: Thank you, Your Honor.

10 And just to be clear on that last point, the memoranda
11 that -- the memorandum, there's one directive that the
12 plaintiffs are challenging in the complaint, and that both is
13 directed toward the DAPA program, but also is a expansion or
14 revision of the DACA program. So to the extent that there's a
15 revision or expansion of the group that would be eligible to
16 apply for that, we do understand the plaintiffs to be
17 challenging that.

18 THE COURT: The increase in years?

19 MR. OLDHAM: Your Honor --

20 MS. HARTNETT: They ask to have you direct and enjoin,
21 and that directive would allow the revisions to the DACA program
22 that we described in our brief.

23 MR. OLDHAM: Yes, Your Honor. I'm sorry. When I said
24 that the DACA program, I was referring to 2012 DACA action. We
25 are challenging the series of executive actions that were taken

1 on November 20th, 2014.

2 THE COURT: Okay.

3 MS. HARTNETT: And just to that point, Your Honor, I
4 would just add I didn't want to unduly object to the
5 presentation today, the PowerPoint, but it does contain a -- not
6 only additional argument, but the injunction that's proposed
7 there is different from the one they propose in their papers.
8 And to that -- the comment that was just made that there are
9 several executive actions being allegedly challenged, there was
10 one directive that was the subject of the complaint, and that's
11 what we've been briefing this case around, which is the one
12 about deferred action.

13 THE COURT: And I'm going to give you a chance to file a
14 reply anyway, so that's -- I'm saving my housekeeping matters
15 for the end, but I know you have a motion on that.

16 MS. HARTNETT: Yeah. We just wanted to be able to make
17 sure we were clearly responding to that. Although I would note
18 that much of the same logic and argument that the counsel for
19 state has been putting forth here today would not -- would
20 appear to apply to any exercise of discretion by the Department
21 of Homeland Security, including the routine use of deferred
22 action in individual cases not even part of any larger effort.

23 I would like to turn to *Heckler versus Chaney* again just
24 because that does frame our merits argument, but I first would
25 like to start with the *Youngstown* points that the counsel for

1 (Court adjourned.)

2 * * *

3 (End of requested transcript)

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5 I certify that the foregoing is a correct transcript from
6 the record of proceedings in the above matter.

7
8 Date: January 20, 2015

9
10 /s/ _____
11 Signature of Court Reporter
12 Barbara Barnard
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